

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALPINE FORWARDERS, INC., a
Washington corporation,

Plaintiff,

v.

HARTFORD FIRE INSURANCE CO., a
foreign corporation, and its operational
entities issuing Bond No. 52BSBG2405,

Defendant.

No.:

NOTICE OF REMOVAL OF DEFENDANT
HARTFORD FIRE INSURANCE
COMPANY

TO: Clerk of the Court

AND TO: Alpine Forwarders, Inc., Plaintiff

AND TO: Tymon Berger, Attorney for Plaintiff

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Hartford Fire Insurance Company removes to this Court the state court action described, below. In support of this Notice of Removal, Hartford states as follows:

I. BACKGROUND

1. On April 15, 2021, Plaintiff Alpine Forwarders, Inc. filed a Complaint (the Complaint) in Snohomish County Superior Court (Cause No. 21-2-01760-31), entitled *Alpine*

1 *Forwarders, Inc. v. Hartford Fire Insurance Co.* (State Court Action).¹

2 2. On April 30, 2021, Plaintiff served a Summons and the Complaint on the Office
3 of the Washington Insurance Commissioner (OIC), which accepted service on behalf of
4 Hartford. The OIC then mailed a copy of the Summons and Complaint to Hartford. Hartford
5 received a copy of the Summons and Complaint on May 11, 2021. This Notice is timely filed
6 within 30 days of both the actual receipt of, and service of, the Complaint on Hartford, under
7 28 U.S.C. § 1446(b).²

8 **II. JURISDICTION**

9 3. The State Court Action may be removed to this Court pursuant to 28 U.S.C. §
10 1441(b), because this Court has jurisdiction under 28 U.S.C. § 1332(a).

11 4. Complete diversity exists between the parties because Hartford and Plaintiff are
12 citizens of different states.³ Hartford is a Connecticut corporation with its principal place of
13 business in Hartford, Connecticut. Plaintiff is a Washington corporation with its principal
14 place of business in Snohomish, Washington.

15 5. The Complaint does not specify the amount in controversy. When a complaint
16 does not do so, the defendant may do so in the notice of removal.⁴ Further, a notice of removal
17 “need include only a plausible allegation that the amount in controversy exceeds the
18
19

20 ¹ Complaint, *Alpine Forwarders, Inc. v. Hartford Fire Insurance Co.*, No. 21-2-01760-31
21 (Snohomish Cty., Wash., April 15, 2021) (the “Complaint”).

22 ² See 28 U.S.C. § 1446(b)(1) (permitting removal within 30 days after the defendant receives services
23 of process); see also *Anderson v. State Farm Mut. Auto. Ins. Co.*, 917 F.3d 1126, 1130 (9th Cir.
24 2019) (holding that “the thirty-day removal clock under 28 U.S.C. § 1446(b)(1) does not begin upon
25 service on and receipt by a statutorily designated agent, and began in this case only when [the
insurer] actually received [the insured’s] complaint”).

26 ³ See *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) (holding that at the removal
state, the defendant need only “allege (not prove) diversity”).

⁴ *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 84 (2014).

jurisdictional threshold.”⁵

6. According to Plaintiff’s pre-suit representation to Hartford, Plaintiff seeks \$134,730 in profits allegedly lost due to Hartford’s allegedly wrongful conduct.⁶ If Plaintiff were to prevail on its claims against Hartford, then, its damages, attorney fees, and costs would exceed the amount-in-controversy requirement of \$75,000.

III. VENUE AND ASSIGNMENT

7. Venue is proper in the United States District Court for the Western District of Washington because it is the district embracing Snohomish County, the place where the State Court Action is pending.

8. Assignment is proper to the Seattle Division because Plaintiff filed its Complaint in Snohomish County, Washington, and alleges that the causes of action arose in Snohomish County, Washington.⁷

IV. PROCEDURAL REMOVAL

9. In accordance with 28 U.S.C. § 1446(a) and LCR 101, a true and correct copy of the process, pleadings, and orders, as well as any additional records in the State Court Action are attached to this Notice.

10. In accordance with 28 U.S.C. § 1446(d), Hartford will file, in Snohomish County Superior Court, a notice to Plaintiff and to the State Court Clerk.

11. By filing this Notice, Hartford does not waive, and expressly reserves, all rights, defenses, and objections of any nature that Hartford may have against Plaintiff’s claims.

⁵ *Id.* at 89.

⁶ See Alpine Forwarders, Inc.’s Invoice submitted to Hartford, dated June 6, 2018 (**Exhibit A** to Declaration of Richard Levesque, dated May 28, 2021).

⁷ See LCR 3(e).

1 DATED: May 28, 2021.

2 BULLIVANT HOUSER BAILEY PC

3
4 By /s/ Matthew J. Sekits
5 Matthew J. Sekits, WSBA #26175
6 E-mail: matthew.sekits@bullivant.com

7 By /s/ Monica Ghosh
8 Monica Ghosh, WSBA #56589
9 Email: monica.ghosh@bullivant.com

10 Attorneys for Defendant Hartford Fire Insurance
11 Company

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2021, I electronically filed the foregoing with the Clerk of the Court using the e-filing system which will send notification of such filing to the persons listed below:

Tymon Berger
PNW CONSTRUCTION LAW
3213 W. Wheeler Street, Suite 516
Seattle, WA 98199
tymon@pnwconstructionlaw.com

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

via hand delivery.
via first class mail.
via email
CM/ECF E-service

*Attorneys for Plaintiff Alpine Forwarders,
Inc.*

Dated: May 28, 2021

s/ Kristin Anderson

Kristin Anderson, Legal Assistant